

Appl. No. 10/021,681
Amdt. dated Oct. 14, 2003
Reply to Office action of Sept. 15, 2003

REMARKS/ARGUMENTS

By the foregoing amendments to the claims, the patentable distinctions of the present invention over the Teter patent of record relied on as the primary prior art reference for rejection of claims 1, 2, 5 and 6, are emphasized as hereinafter explained. Also by cancellation of original claims 3, 4 and 7 dependent from claims 1, 2 and 6, the rejection under 35 U.S.C. 103(a) involving the Jarrett patent of record as a secondary prior reference is removed from consideration. As to the rejection of claims 1, 2, 5 and 6 under 35 U.S.C. 102(b) as anticipated by the Teter patent, such rejection should be withdrawn in favor of an allowance of claims 1, 2, 5 and 6 together with new claim 8 dependent from claim 6 and new claim 9 for reasons hereinafter pointed out.

The rejection of claims 1, 2, 5 and 6 as stated on page 2 of the Office action is based on an apparent misinterpretation of the disclosure in the Teter patent in regard to the referred to components (48) and (26) of an actuator (12) as referred to in the Office action. According to the col. 2, lines 43-47 in the Teter patent, the part (48) is a drive plate to which angular torque is imparted for transfer to a stroke multiplier (14) of the actuator (12). Such drive plate (48) does not impart output motion from the actuator disclosed in the Teter patent as required by claims 1 and 6. Thus claim 1 specifies in this regard: "an output member;--and means for converting said force into a--linear output motion of the output member," while claim 6 specifies: "an output member; magnetic circuit means for--inducing--linear output motion of the output member". The rejection of claims 1, 2, 5 and 6 under 35 U.S.C. 102(b) is therefore in error on this account.

In regard to the part (26), col. 2, lines 16-29 in the Teter patent refers to such part (26) as an electric excitation coil through which a magnetic field is established through a single tubular

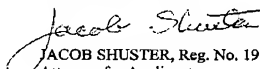
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magnet (28). The coil (26) is not therefore a plurality of slabs through which magnetostrictive deformation is induced as called for in claim 2 dependent from claim 1 in the present application, for which reason its rejection under 35 U.S.C. 102(b) is in error on an additional account.

In regard to the latter referred to additional prior art distinction of dependent claim 2, new claim 9 now submitted also patentably distinguishes over the prior art such as the Teter patent applied to claims 1, 2, 5 and 6 by specifying: "a plurality of magnetostrictive--slabs--; and means for converting the magnetostrictive forces sequentially inducing deformation of the slabs into said linear output motion--", in contrast to the disclosure in the Teter patent as hereinbefore pointed out.

In view of the distinctions of the present invention over the prior art references applied in the Office action, because of the latter referred to limitations of claims 1, 2, 6 and 9, together with other related limitations set forth in claims 1, 2, 5, 6, 8 and 9, the presently claimed invention is neither anticipated by the Teter patent nor obvious therefrom. An allowance of the amended claims 1, 2, 5 and 6 together with new claim 8 dependent from claim 1 and new claim 9 is therefore in order and is hereby requested.

Respectfully submitted,


JACOB SHUSTER, Reg. No. 19,660
Attorney for Applicants

Tele: (301) 227-1835
OFFICE OF COUNSEL CODE 39
NAVAL SURFACE WARFARE CENTER
CARDEROCK DIVISION HEADQUARTERS
DAVID TAYLOR MODEL BASIN
9500 MACARTHUR BOULEVARD
WEST BETHESDA, MD 20817-5700

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